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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,675	02/21/2001	Hideki Hino	325772022500	6035

25227 7590 07/28/2006

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EXAMINER

MILIA, MARK R

ART UNIT PAPER NUMBER

2625

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/788,675

Applicant(s)

HINO ET AL.

Examiner

Mark R. Milia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-12 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 4/25/06 and has been entered and made of record. Currently, claims 1-12 are pending.

Response to Arguments

2. Applicant's arguments filed 4/25/06 have been fully considered but they are not persuasive.

Applicant asserts that the combination of Namikawa, Tanimoto, and Oizumi fail to teach indicating whether or not a control program is currently being transferred. The examiner respectfully disagrees as the above stated references do disclose such a feature. Particularly, Oizumi states that transfer state register "80b" is for storing a transfer state. Further the transfer of the program takes place in units of blocks, the block size value being registered in register "82a" and in the counter "82b", which are part of block counter "81". The block counter decreases as the blocks are transferred until the counter reaches zero, indicating that the transfer of the program is complete. Therefore, register "82a" and counter "82b" store an indication that the program is currently being transferred. See column 5 line 46-column 6 line 14, column 7 lines 27-36, and column 8 lines 44-53. Further, storing the transfer state of a program or file is

well known and exhibited in the art, for example, during file transfers in Windows a display is presented to the user showing that the file is being transferred from location A to location B. Thus, the combination of Namikawa, Tanimoto, and Oizumi disclose all the limitations as set forth in the current claim language.

Therefore, the rejection of claims 1-12, as cited in the previous Office Action, is maintained and repeated in this Office Action.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Namikawa in view of Tanimoto and U.S. Patent No. 5588012 to Oizumi.

Regarding claim 1, Namikawa discloses an image processing apparatus, comprising: a first storage medium for storing a control program (see column 3 line 66- column 4 line 3), a control device for controlling image processing of the image processing apparatus by the control program stored in the first storage medium (see column 4 lines 7 and 11-15), a transfer device for transferring the control program from an external device to the first storage medium (see column 4 lines 49-51 and column 5 lines 37-60), a nonvolatile second storage medium for storing a transfer state of the control program (see column 6 lines 1-10), an optional device (see column 3 lines 44-

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56, column 11 lines 13-28 and 50-51), and a power supply (see column 4 lines 46-48 and Fig. 1).

Namikawa does not disclose expressly the transfer state indicating whether or not the control program is being transferred and a power supply control device for controlling power supply to the optional device in response to the transfer state stored in the second storage medium.

Tanimoto discloses a power supply control device for controlling power supply to the optional device in response to the transfer state stored in the second storage medium (see paragraphs 0006-0008, 0011 lines 6-9, 0013, 0019 lines 6-7, and 0022-0034).

Tanimoto does not disclose expressly the transfer state indicating whether or not the control program is being transferred.

Oizumi discloses the transfer state indicating whether or not the control program is being transferred (see column 5 line 46-column 6 line 14, column 7 lines 27-36, and column 8 lines 44-53).

Regarding claim 7, Namikawa discloses an image forming apparatus, comprising a main body for forming images on paper sheets (see column 3 lines 44-47 and Fig. 1), an optional device (see column 3 lines 48-57), a first storage medium for storing a control program (see column 3 line 66-column 4 line 3), a control device for controlling image formation of the image forming apparatus by the control program stored in the first storage medium (see column 4 lines 7 and 11-15), a transfer device for transferring the control program from an external device to the first storage medium (see column 4

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lines 49-51), a nonvolatile second storage medium for storing a transfer state of the control program (see column 6 lines 1-10), and a power supply (see column 4 lines 46-48 and Fig. 1).

Namikawa does not disclose expressly the transfer state indicating whether or not the control program is being transferred and a power supply control device for controlling power supply to the optional device in response to the transfer state stored in the second storage medium.

Tanimoto discloses a power supply control device for controlling power supply to the optional device in response to the transfer state stored in the second storage medium (see paragraphs 0006-0008, 0011 lines 6-9, 0013, 0019 lines 6-7, and 0022-0034).

Tanimoto does not disclose expressly the transfer state indicating whether or not the control program is being transferred.

Oizumi discloses the transfer state indicating whether or not the control program is being transferred (see column 5 line 46-column 6 line 14, column 7 lines 27-36, and column 8 lines 44-53).

Namikawa, Tanimoto, & Oizumi are combinable because they are from the same field of endeavor, transfer of data between devices.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the storing of a transfer state, which is well known in the art, as described by Oizumi and the power supply control of an optional device of Tanimoto with the image processing apparatus of Namikawa.

The suggestion/motivation for doing so would have been to prevent printer malfunction such as overheating and incorrect drive motor rotation when control programs are being transferred (see paragraphs 0035-0036 of Tanimoto).

Therefore, it would have been obvious to combine Tanimoto with Namikawa to obtain the invention as specified in claims 1 and 7.

Regarding claims 2 and 8, Namikawa, Tanimoto, and Oizumi disclose the apparatus discussed above in claims 1 and 7, and Namikawa further discloses a write device for writing data that indicates transfer is proceeding onto the second storage medium when transfer of the control program is started, and writing data that indicates transfer is not proceeding onto the second storage medium when transfer of the control program is normally completed (see column 5 line 1-column 6 line 10).

Regarding claims 3 and 9, Namikawa, Tanimoto, and Oizumi disclose the apparatus discussed above in claims 1 and 7, and Namikawa further discloses a confirmation device for confirming the transfer state stored in the second storage medium when power is applied to the image processing apparatus (see column 6 lines 1-10, column 7 lines 36-44, and column 8 lines 9-17).

Regarding claims 4 and 10, Namikawa, Tanimoto, and Oizumi disclose the apparatus discussed above in claims 3 and 9, and Tanimoto further discloses wherein power supply to the optional device is stopped when it is confirmed by the confirmation device that the data indicating that transfer is processing is stored in the second storage medium (see paragraphs 0006-0008, 0013, and 0022-0034).

Regarding claims 5 and 11, Namikawa, Tanimoto, and Oizumi disclose the apparatus discussed above in claims 1 and 7, and Namikawa further discloses a confirmation device for confirming presence of the second storage medium when power is applied to the image processing apparatus (see column 7 line 45-column 9 line 13).

Regarding claims 6 and 12, Namikawa, Tanimoto, and Oizumi disclose the apparatus discussed above in claims 5 and 11, and Tanimoto further discloses wherein power supply to the optional device is stopped when it is confirmed by the confirmation device that the second storage medium is not present (see paragraphs 0006-0008, 0013, 0022-0025, and 0034).

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

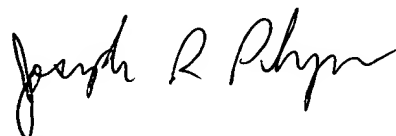
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached at (571) 272-7406. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark R. Milia
Examiner
Art Unit 2625

MRM



JOSEPH R. POKRZYWA
PRIMARY EXAMINER